

ST CLAIR COUNTY  
TWENTIETH CIRCUIT COURT, KAHALAH A. CLAY

FEB - 9 2021

RECEIPT #: C 000583799  
RECEIVED OF: ROBERTS PERRYMAN PC  
PART. ID: 963881  
BY CLERK: BJ  
CHECKS: A 9945

DATE: 02-05-2021

TIME: 09:43:42  
MEMO: 21L19  
ROYBAR

\$9.00

CASH  
\$0.00

CREDIT  
\$0.00

CHANGE  
\$0.00

OTHER  
\$0.00

CASE NUMBER	EVENT	COURT/JUDGE	TAX NO.	AMOUNT
	2546	PMT:REPRODUCTION OF DOCMT 1PG		\$2.00
	2548	PMT:REPRODUCTION OF DOC 2-20		\$7.00
		TOTAL RECEIPT...		\$9.00

\* CHECK/CHEQUE IS CONDITIONAL PAYMENT  
\* PENDING RECEIPT OF FUNDS FROM BANK. \*

Electronically Filed  
Kahalal A. Clay  
Circuit Clerk  
Ashley Doughty  
~~2010019~~  
St. Clair County  
1/8/2021 12:17 PM  
11759851

NO 21-L-0019

IN THE CIRCUIT COURT FOR THE 20<sup>th</sup> JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

ROBERT WHITFORD,  
Plaintiff,

v.

MARVIN ROYBAR and  
RST, INC.,  
Defendants.

21-L-0019

**SUPREME COURT RULE 222 DAMAGES AFFIDAVIT**

Plaintiff MARVIN ROYBAL, on information and belief, intends to claim an amount in excess of \$50,000.00 in this cause of action.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, I certify by signing below that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

**ROBERT WHITFORD**

By: /s/ Daniel P. Finney, III

Daniel P. Finney, III - #6298368  
dfinney@brownlawoffice.com  
BROWN & BROWN LLP  
5440 North Illinois, Suite 101  
Fairview Heights, IL 62208  
618.234.4878  
618.234.4818 (fax)  
Attorneys for Plaintiff

IN THE CIRCUIT COURT FOR THE 20<sup>th</sup> JUDICIAL CIRCUIT  
 ST. CLAIR COUNTY, ILLINOIS

ROBERT WHITFORD,  
 Plaintiff,  
 v.  
 MARVIN ROYBAL and  
 RST, INC.,  
 Defendants.

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20-L-0019

21-L-0019 AD

COMPLAINT

Count I - Negligence Claim Against Marvin Roybal

Now comes Plaintiff, Robert Whitford, and for this Complaint against Defendant, Marvin Roybal states as follows:

1. On or about February 8, 2019, Robert Whitford was the driver of a motor vehicle traveling in a westbound direction on I-64 at or near its intersection with 159 in the Caseyville Township, County of St. Clair, State of Illinois.
2. At the said time, Defendant Marvin Roybal was an employee or agent of Defendant RST, Inc., and was operating a tractor trailer owned by RST, Inc. which was traveling in a westbound direction on I-64 at or near its intersection with 159 in the City of Caseyville Township, County of St. Clair, State of Illinois.
3. It was then and there the duty of Defendant Marvin Roybal, through its agents and employees, to operate the tractor trailer with reasonable care for the safety of other persons and for their property.
4. Despite Defendant RST, Inc.'s said duty and in violation thereof, Defendant RST, Inc.'s agent or employee, Marvin Roybal, then and there negligently and carelessly

acted or failed to act in one or more of the following ways:

a. Failed to stop or swerve his tractor trailer at the appearance of danger in order to avoid a collision with another vehicle.

b. Drove his tractor trailer without keeping it under sufficient control to be able to stop or swerve the said tractor trailer at the appearance of danger in order to avoid a collision with another vehicle.

c. Drove his tractor trailer at a speed that was greater than reasonable and proper with regard to the traffic conditions and the use of the area.

d. Drove his tractor trailer without keeping an adequate lookout ahead and to the side.

e. Failed to equip his tractor trailer with adequate brakes.

f. Negligently and carelessly failed to stop or yield the right of way in compliance with the traffic signal erected at said intersection.

5. As a direct and proximate result of one or more of the foregoing negligent acts or failures to act, the tractor trailer operated by Defendant RST, Inc.'s agent and employee, Marvin Roybal, collided with Robert Whitford's vehicle.

6. As a direct and proximate result of the foregoing, Robert Whitford was caused to suffer loss of normal life, permanent injuries and damages, both externally and internally; was and will be hindered and prevented from attending to his usual duties and affairs; and has suffered pain and anguish, both in mind and body, and will in the future continue to suffer.

7. On the date and time in question, Defendant Marvin Roybal was an agent or employee of Defendant RST, Inc. working in the course and scope of his agency or employment with Defendant RST, Inc.

8. On the date and time in question, Defendant RST, Inc. entrusted a tractor

trailer under its control to Defendant Marvin Roybal.

9. On the date and time in question, Defendant RST, Inc. had the right of control over the tractor trailer that was entrusted to Defendant Marvin Roybal.

10. On the date and time in question, Defendant RST, Inc. was liable for Defendant Marvin Roybal's acts and omissions as stated in this cause of action under the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff, ROBERT WHITFORD, asks for judgment against Defendant, MARVIN ROYBAL, in a sum in excess of Fifty-Thousand Dollars (\$50,000.00), plus costs.

Count II - Negligence Claim Against RST, Inc.

Now comes Plaintiff, Robert Whitford, and for this Complaint against Defendant, RST, Inc., states as follows:

1. On or about February 8, 2019, Robert Whitford was the driver of a motor vehicle traveling in a westbound direction on I-64 at or near its intersection with 159 in the City of Caseyville Township, County of St. Clair, State of Illinois.

2. At the said time, Defendant Marvin Roybal, was operating a tractor trailer owned by Defendant RST, Inc. traveling in an westbound direction on I-64 at or near its intersection with 159 in the City of Caseyville Township, County of St. Clair, State of Illinois.

3. It was then and there the duty of the Defendant Marvin Roybal to operate his tractor trailer with reasonable care for the safety of other persons and for their property.

4. Despite Defendant Marvin Roybal's said duty and in violation thereof, the

Defendant then and there negligently and carelessly acted or failed to act in one or more of the following ways:

a. Failed to stop or swerve his tractor trailer at the appearance of danger in order to avoid a collision with another vehicle.

b. Drove his tractor trailer without keeping it under sufficient control to be able to stop or swerve the said vehicle at the appearance of danger in order to avoid a collision with another vehicle.

c. Drove his tractor trailer at a speed that was greater than reasonable and proper with regard to the traffic conditions and the use of the area.

d. Drove his tractor trailer without keeping an adequate lookout ahead and to the side.

e. Failed to equip his tractor trailer with adequate brakes.

f. Negligently and carelessly failed to stop or yield the right of way in compliance with the traffic signal erected at said intersection.

5. As a direct and proximate result of one or more of the foregoing negligent acts or failures to act, the tractor trailer operated by Defendant Marvin Roybal collided with Robert Whitford's vehicle.

6. As a direct and proximate result of the foregoing, Robert Whitford was caused to suffer a loss of normal life, permanent injuries and damages, both externally and internally; was and will be hindered and prevented from attending to his usual duties and affairs; and has suffered pain and anguish, both in mind and body, and will in the future continue to suffer.

WHEREFORE, Plaintiff ROBERT WHITFORD, asks for judgment against Defendant, RST, Inc., in a sum in excess of Fifty-Thousand Dollars (\$50,000.00), plus costs.



ROBERT WHITFORD

By: /s/ Daniel P. Finney, III  
Daniel P. Finney, III - #6298368  
dfinney@brownlawoffice.com  
BROWN & BROWN LLP  
5440 North Illinois, Suite 101  
Fairview Heights, IL 62208  
618.234.4878  
Attorneys for Plaintiff







# KAHALAH A. CLAY

Clerk of the Circuit Court

St. Clair County, Illinois

10 Public Square • Suite A-315 • Belleville, IL 62220-1623

(618) 277-6832

Fax: (618) 277-1562



Cassie Voelkel  
Chief Deputy  
Ext. 2324

Kathy Kimmle  
Office Manager  
Ext. 2320

## MEMO

DATE: January 8, 2021

TO: Accounting Division

From: Jennifer Davlin

Re: 20L0019 Reno vs Schmitt

Re: 21L0019 Whitford vs Roybal

January 8, 2021 a fee of \$ 314.00 was accepted and incorrectly receipted for payment of case 20L0019 through Odyssey in error.

The clerk in error typed case number 20L0019 in Odyssey when the correct case number should have been 21L0019

The payment of \$ 314.00 needs to be receipted in case 21L0019 for filing fee.

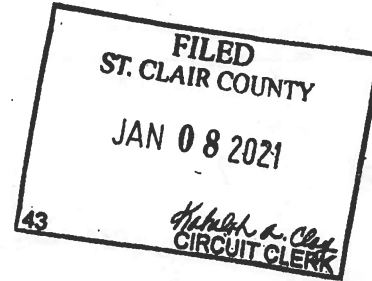
Case 20L0019 was opened in error under Reno vs Schmitt and should be applied to case 21L0019 Whitford vs Roybal.

Please receipt the filing fee of \$ 314.00 to case 21L0019.

Envelope 11759851

Thank you,

Jennifer Davlin



*Cassie Voelkel*

IN THE CIRCUIT COURT - 20<sup>th</sup> JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

ROBERT WHITFORD,  
Plaintiff,

v.

MARVIN ROYBAL,  
Defendant.

21-L-0019

**SUMMONS**

(Amount Claimed: In excess of \$50,000.00)

**SERVE: Marvin Roybal 1418 E. Elgin Street, Caldwell, Indiana 83605**

**TO DEFENDANT MARVIN ROYBAL:**

You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the clerk of this court within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

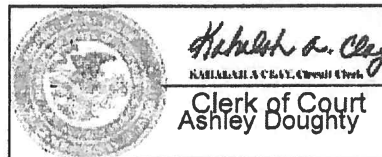
E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <https://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to [www.illinoislegalaid.org](http://www.illinoislegalaid.org). You can also ask your local circuit clerk's office for a fee waiver application.

**TO THE PROCESS SERVER:** This summons must be returned by the person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. This summons may not be served later than 30 days after its date. If service cannot be made, this summons shall be returned so endorsed.

Dated: 1/8/2021



Attorneys for Plaintiff:  
Brown & Brown LLP  
Daniel P. Finney, III  
[dfinney@brownlawoffice.com](mailto:dfinney@brownlawoffice.com)  
5440 N. Illinois, Suite 101  
Fairview Heights, IL 62208  
618.234.4878

**SERVICE DATE:** \_\_\_\_\_  
(To be inserted by process server on copy left with the defendant or other person)

Case No. 20-L-0019  
SUMMONS (CONT.)

**I certify that I served this summons on defendant as follows:**

(a) - (Individual defendant - personal)

By leaving a copy and a copy of the complaint with each individual defendant personally, as follows:

Name of Defendant Place of Service Date of service

(b) - (Individual defendant - abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his/her family, of the age of 13 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his/her usual place of abode, as follows:

Name of Defendant Person with whom left Date of service Date of mailing

(c) - (Corporation defendant):

By leaving a copy and a copy of the complaint with the registered agent officer, or agent of each defendant corporation, as follows:

Defendant corporation Registered agent officer or agent Date of service

(d) - (Other service):

FEES:

Service and return \$ \_\_\_\_\_  
Miles \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of Process Server

IN THE CIRCUIT COURT - 20<sup>th</sup> JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

ROBERT WHITFORD,  
Plaintiff,

v.

RST, INC.,  
Defendant.

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)

21-L-0019

SUMMONS

(Amount Claimed: In excess of \$50,000.00)

**SERVE: RST, Inc. 1418 E. Elgin Street, Caldwell, Indiana 83605**

**TO DEFENDANT RST, Inc.:**

You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the clerk of this court within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

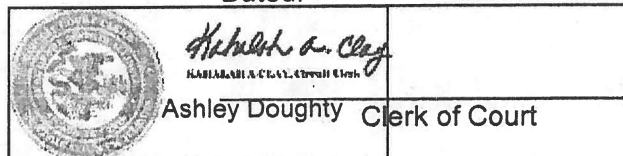
E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <https://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

If you are unable to pay your court fees, you can apply for a fee waiver. for information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to [www.illinoislegalaid.org](http://www.illinoislegalaid.org). You can also ask your local circuit clerk's office for a fee waiver application.

TO THE PROCESS SERVER: This summons must be returned by the person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. This summons may not be served later than 30 days after its date. If service cannot be made, this summons shall be returned so endorsed.

Dated: 1/8/2021



Attorneys for Plaintiff:  
Brown & Brown LLP  
Daniel P. Finney, III  
[dfinney@brownlawoffice.com](mailto:dfinney@brownlawoffice.com)  
5440 N. Illinois, Suite 101  
Fairview Heights, IL 62208  
618.234.4878

SERVICE DATE: \_\_\_\_\_  
(To be inserted by process server on copy  
left with the defendant or other person)

Case No. 21-L-0019  
SUMMONS (CONT.)

I certify that I served this summons on defendant as follows:

(a) - (Individual defendant - personal)

By leaving a copy and a copy of the complaint with each individual defendant personally, as follows:

Name of Defendant Place of Service Date of service

(b) - (Individual defendant - abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his/her family, of the age of 13 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his/her usual place of abode, as follows:

Name of Defendant Person with whom left Date of service Date of mailing

(c) - (Corporation defendant):

By leaving a copy and a copy of the complaint with the registered agent officer, or agent of each defendant corporation, as follows:

Defendant corporation Registered agent officer or agent Date of service

(d) - (Other service):

FEES:

Service and return \$ \_\_\_\_\_  
Miles \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of Process Server

ST CLAIR COUNTY  
TWENTIETH CIRCUIT COURT, KAHALAH A. CLAY

RECEIPT #: C 000579640  
RECEIVED OF: FINNEY DANIEL  
PART. ID: 781857  
BY CLERK: BJ  
CHECKS:

DATE: 01-12-2021

TIME: 08:26:26  
MEMO: 011759851-0

CASH  
\$0.00

CREDIT  
\$314.00

CHANGE  
\$0.00

OTHER  
\$0.00

CASE NUMBER	EVENT	COURT/JUDGE	TAX NO.	AMOUNT
21-L-0019 WHITFORD VS ROYBAL PARTY: FINNEY DANIEL	2518	PMT:SCHEDULE 1		\$314.00
TOTAL RECEIPT...				\$314.00